



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hans Rudolf Mueller *et al.* : Group Art Unit: 1624

Serial No.: 10/030,692 : Examiner: Mark L. Berch

Filing Date: January 14, 2002 :

For: PROCESS FOR THE PREPARATION OF OPTICALLY PURE
TETRAHYDROPTERINS AND DERIVATIVES, AND SPECIFICALLY OF
OPTICALLY PURE TETRAHYDROFOLIC ACID AND DERIVATIVES THEREOF,
BY STEREOSPECIFIC HYDROGENATION

PETITION TO WITHDRAW FINALITY OF OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants on March 14, 2005, filed an RCE with a proper submission, including amendments to the claims. In response, on April 25, 2005, a final Office Action was issued. Applicants submit that a final action at this point is improper and that the Office Action should have been a non-final action.

MPEP § 706.07(h) under heading "VIII" states that "The action immediately subsequent to the filing of an RCE with a submission and fee under 37 CFR 1.114 may be made final only if the conditions set forth in MPEP § 706.07(b) for making a first action final in a continuing application are met." No allegations that the conditions of MPEP § 706.07(b) for making a first action final in a continuing application are met have been made, and applicants submit that such conditions are not met. Thus, the finality of the action dated April 24, 2005, is respectfully requested to be withdrawn.

The Commissioner is hereby authorized to charge any fees associated with this petition or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


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Filed: November 23, 2005

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